IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1294 OF 2005

Major V.J. Joseph ...Petitioner

Versus

State Bank of Travancore ...Respondent

Mr. M.V. Limaye for the petitioner.
Ms. V.K. Srivastav, instructed by M/s. Consulta Juris, for the respondent.

CORAM: **DALVEER BHANDARI, C.J.** &
S.A. BOBDE, J.

DATE: **MARCH 29, 2005**.

P.C.

This petition is directed against the order of the Debts Recovery Appellate Tribunal at Mumbai dated 18th January, 2005, by which the appeal preferred by the petitioner was dismissed.

2. The Presiding Officer of the Debts Recovery Tribunal-I, dismissed the application, being Miscellaneous Application No. 114 of 2003 in Original Application No. 188 of 2002, made by the petitioner for setting aside the decree passed against the petitioner and his wife.

The learned Chairperson of the DRAT affirmed the order passed by the DRT.

3. The total liability of the petitioner as on 31st March, 2005 is Rs.19,72,765.37. This amount, according to the respondent-Bank, is due and payable by the petitioner to the Bank. When the petition came up for admission, the petitioner, in order to settle the matter, has agreed to pay Rs.15 lakhs as full and final settlement but the respondent-Bank submitted that the Bank cannot settle the matter below the sum of Rs.16.72 lakhs. The Chief Manager of respondent-Bank has filed an affidavit dated 14th March, 2005, stating the above position. The petitioner is not willing to pay this amount.

4. In this view of the matter, we find no merit in this petition. This petition is accordingly dismissed.

CHIEF JUSTICE

S.A. BOBDE, J.